

### **REMARKS/ARGUMENTS**

Claims 7, 8, 11-32 and 58-63 are pending herein. Claims 9 and 10 have been cancelled without prejudice or disclaimer. Claim 7 has been amended to address matters of form, and the subject matter of cancelled claim 9 has been incorporated into claim 7.

Examiner Lam is thanked for courtesies extended to Applicants' undersigned representative during a telephonic interview on July 17, 2006. The substance of that interview has been incorporated into the following remarks.

During the interview, Examiner Lam indicated that she would enter the present Amendment after Final. Additionally, Examiner Lam tentatively agreed that the Applicants' arguments, reiterated below, in addition to the claim amendments, submitted above, would overcome the prior art of record.

1. The rejection of claims 7-32 and 58-63 under §112, second paragraph is noted, but deemed moot in view of the rewritten claim submitted above.

Claim 7 has been amended to clarify that "said solution" is the solution containing no capture.

2. Claims 7-9, 11, 14, 16-19, 21, 22, 26-32 and 59 were rejected under §102(b) over Brennan. To the extent that this rejection may be applied against the amended claims, it is respectfully traversed.

Claim 7 recites a method for producing a biochip. Claim 7 has been amended to recite that the method comprises supplying a solution containing no capture with an ink-jet system separately from and in the same location as each of the solution samples.

Brennan discloses, in column 2, lines 12-15, that "solutions of chemical reactants are added to functionalize binding sites on the support surface by means of a piezoelectric pump." Brennan discloses, in column 7, lines 22-40, that the solution containing no capture (i.e., the functionalized binding sites on the support surface) is sequentially coated on the silicon dioxide glass plates as shown in Figs. 2a and 2b, to

result in the prepared plate shown in Fig. 3b. After the solution containing no capture (the functionalized binding site) is prepared and cured, the solution of chemical reactant (i.e., solution samples containing a capture) is added through utilization of a piezoelectric pump (see column 5, lines 63-67). There is no disclosure or suggestion within Brennan, however, of using an ink-jet system *to apply a solution containing no capture*. Therefore, Brennan fails to disclose a method for producing a biochip comprising the step of supplying a solution containing no capture in accordance with an ink-jet system separately from and in the same location as each of the solution samples, each containing a capture, as recited in claim 7. Since claims 8, 11, 14, 16-19, 21, 22, 26-32 and 59 depend either directly or indirectly from independent claim 7, those claims are also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

3. Claims 23 and 25 were rejected under §103(a) over Brennan in view of Okamoto. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Okamoto does not overcome the deficiencies of Brennan, and since claims 23 and 25 depend indirectly from claim 7, those claims are also believed to be allowable over the applied prior art.

4. Claims 12, 13 and 15 were rejected under §103(a) over Brennan in view of Borrelli. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Borrelli does not overcome the deficiencies of Brennan, and since claims 12, 13 and 15 depend indirectly from claim 7, those claims are also believed to be allowable over the applied prior art.

5. Claim 10 was rejected under §103(a) over Brennan in view of Robinson. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Robinson does not overcome the deficiencies of Brennan, and since claim 10 depends directly from claim 7, claim 10 is also believed to be allowable over the applied prior art.

6. Claim 20 was rejected under §103(a) over Brennan in view of Hammond. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Hammond does not overcome the deficiencies of Brennan, and since claim 20 depends indirectly from claim 7, claim 20 is also believed to be allowable over the applied prior art.

7. Claim 24 was rejected under §103(a) over Brennan in view of Dattagupta. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Dattagupta does not overcome the deficiencies of Brennan, and since claim 24 depends indirectly from claim 7, claim 24 is also believed to be allowable over the applied prior art.

8. Claim 58 was rejected under §103(a) over Brennan in view of Balint, Jr. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Balint, Jr. does not overcome the deficiencies of Brennan, and since claim 58 depends indirectly from claim 7, claim 58 is also believed to be allowable over the applied prior art.

9. Claim 60 was rejected under §103(a) over Brennan in view of Sakamoto. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Sakamoto does not overcome the deficiencies of Brennan, and since claim 60 depends indirectly from claim 7, claim 60 is also believed to be allowable over the applied prior art.

10. Claim 61 was rejected under §103(a) over Brennan in view of Schwartz. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Schwartz does not overcome the deficiencies of Brennan, and since claim 61 depends indirectly from claim 7, claim 61 is also believed to be allowable over the applied prior art.

11. Claim 62 was rejected under §103(a) over Brennan in view of Wei. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from

Brennan. Since Wei does not overcome the deficiencies of Brennan, and since claim 62 depends indirectly from claim 7, claim 62 is also believed to be allowable over the applied prior art.

12. Claim 63 was rejected under §103(a) over Brennan in view of Lopez. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Lopez does not overcome the deficiencies of Brennan, and since claim 63 depends indirectly from claim 7, claim 63 is also believed to be allowable over the applied prior art.

For at least the foregoing reasons, Applicants respectfully submit that all pending claims herein define patentable subject matter over the art of record. Accordingly, Examiner Lam is requested to issue a Notice of Allowance for this application in due course.

If Examiner Lam believes that further contact with Applicants' attorney would be advantageous toward the disposition of this case, she is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

July 19, 2006

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